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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER

- v. -

21 Cr. 575 (VM)

ARACELIS SOSA-URENA,

:

Defendant.

:

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## VICTOR MARRERO, U.S.D.J.:

On October 7, 2021, Aracelis Sosa-Urena ("Sosa-Urena") filed a motion to dismiss the indictment. (See Dkt. No. 13 (the "Motion").) After reviewing the Motion papers and considering defense counsel's argument during the November 12, 2021 status conference, the Court DENIES the Motion on each ground for the following reasons: (1) the Government has stated enough factual matter at this stage to adequately allege a violation of 8 U.S.C. Section 1326(a) & (b)(1) and give notice to defendant to defend against these charges; (2) there is no merit to Sosa-Urena's argument that pending immigration proceedings warrant dismissal of an indictment; (3) the Motion raises questions of fact which must be resolved by a jury; and (4) the argument that 8 U.S.C. Section 1326 is unconstitutional is not supported by case law or constitutional principle.

## SO ORDERED:

DATE: New York, New York

16 November 2021

Victor Marrero

U.S.D.J.